

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA :  
 : 07 Cr. 402 (RMB)  
 - v. - :  
 : AFFIRMATION  
 JEFFREY MUSUMECI, :  
 a/k/a "Stevewill160@aol.com," :  
 :  
 Defendant. :  
 :  
 - - - - -X

STATE OF NEW YORK )  
COUNTY OF NEW YORK : ss.:  
SOUTHERN DISTRICT OF NEW YORK )

ADAM S. HICKEY, pursuant to Title 28, United States  
Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the  
office of Michael J. Garcia, United States Attorney for the  
Southern District of New York. I make this Affirmation in  
support of the Government's Motion In Limine To Preclude the  
Defendant's Entrapment Defense Or, In The Alternative, For A  
Curative Jury Instruction.

2. Attached as Exhibit A is a true copy of an instant  
message chat conversation between America Online ("AOL") users  
LisainNY05 and JEFFREY MUSUMECI, a/k/a "Stevewill160@aol.com," the  
defendant, beginning on November 23, 2005, at 2:53 p.m.

3. Attached as Exhibit B is a draft transcript of  
statements by JEFFREY MUSUMECI, a/k/a "Stevewill160@aol.com," the  
defendant, to Manhattan Assistant District Attorney Penelope  
Brady on November 29, 2005.

4. Attached as Exhibit C is a true copy of the online "profile" for the AOL user LisainNY05, on or about November 23, 2005.

5. Attached as Exhibit D are true copies of a series of e-mail messages exchanged between the AOL users LisainNY05 and JEFFREY MUSUMECI, a/k/a "Stevewill160@aol.com," the defendant, as well as delivery and read receipts for certain messages sent by the user LisainNY05.

6. Attached as Exhibit E is a true copy of an instant message chat conversation between AOL users LisainNY05 and JEFFREY MUSUMECI, a/k/a "Stevewill160@aol.com," the defendant, beginning on November 25, 2005, at 12:39 p.m.

7. Attached as Exhibit F is a true copy of an instant message chat conversation between AOL users LisainNY05 and JEFFREY MUSUMECI, a/k/a "Stevewill160@aol.com," the defendant, beginning on November 25, 2005, at 2:45 p.m.

8. Attached as Exhibit G is a draft transcript of a phone call between an undercover officer and JEFFREY MUSUMECI, a/k/a "Stevewill160@aol.com," the defendant, on or about November 25, 2005.

9. Attached as Exhibit H is a true copy of an instant message chat conversation between AOL users LisainNY05 and JEFFREY MUSUMECI, a/k/a "Stevewill160@aol.com," the defendant, beginning on November 25, 2005, at 3:19 p.m.

10. Attached as Exhibit I is a true copy of an instant message chat conversation between AOL users LisainNY05 and JEFFREY MUSUMECI, a/k/a "Stevewill160@aol.com," the defendant, beginning on November 26, 2005, at 2:56 p.m.


11. Attached as Exhibit J is a true copy of an instant message chat conversation between AOL users LisainNY05 and JEFFREY MUSUMECI, a/k/a "Stevewill160@aol.com," the defendant, beginning on November 28, 2005, at 2:30 p.m.

12. Attached as Exhibit K is a draft transcript of a phone call between an undercover officer and JEFFREY MUSUMECI, a/k/a "Stevewill160@aol.com," the defendant, on or about November 29, 2005.

13. Attached as Exhibit L is a draft transcript of a meeting between an undercover officer and JEFFREY MUSUMECI, a/k/a "Stevewill160@aol.com," the defendant, on or about November 29, 2005.

I declare under penalty of perjury that the foregoing is true and correct, pursuant to Title 28, United States Code, Section 1746.

Dated: New York, New York  
July 13, 2007

  
\_\_\_\_\_  
Adam S. Hickey  
Assistant United States Attorney  
Southern District of New York  
Tel.: (212) 637-1039